

AN ORDINANCE approving the awarding of Reference #1574 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **KENNEY MACHINERY** for the Fort Wayne Parks and Recreation Department.

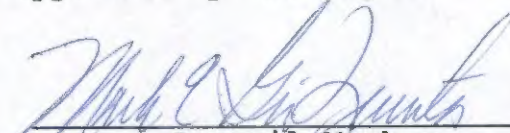
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1574 between the City of Fort Wayne, by and through its Department of Purchasing and **KENNEY MACHINERY** for the Fort Wayne Parks and Recreation Department, respectfully for:


the purchase of four (4) - 60" riding mowers with leaf mulching attachments for the Fort Wayne Parks and Recreation Department;

involving a total cost of Thirty-Two Thousand Seven Hundred Sixty-Six and no/100+/- Dollars (\$32,766.00+/-), all as more particularly set forth in said Reference #1574 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

REF. NO.: 1574
DEPT: PARK DEPARTMENT
DATE: 10/28/91
ITEM/SERVICE: 60" RIDING MOWERS

PURCHASING INFORMATION

ADVERTISED BID: YES
DATES ADVERTISED: 09/20/91 & 09/27/91
OPENING DATE: 10/10/91
WRITTEN QUOTE: NO
DUE DATE:
VERBAL QUOTE: NO
SINGLE SOURCE: NO
NO. OF VENDORS NOTIFIED: 4
NO. OF VENDORS RECEIVING BID: 3
NO. OF VENDORS RETURNING BID: 3
NO. OF VENDORS DISQUALIFIED: 0
NO. OF VENDORS NOT RESPONDING: 1

DATE SENT TO DEPT FOR RECOMM: 10/11/91

DATE RECOMMENDATION REC'D IN PURCH 10/25/91

COUNCIL INFORMATION DATES SENT EXTENSION DATES

DATE INFO SENT TO LAW DEPT: 10/29/91

INTRODUCTION DATE: 11/12/91

DISCUSSION DATE: 11/19/91

PASSAGE DATE: 11/26/91

ORDINANCE NO:

AMOUNT APPROVED AND/OR SPENT
LAST YEAR:

REFERENCE NO. 1574
RIDING MOWERS
10-10-91

DESCRIPTION	QTY	LEE'S OUTDOOR POWER	KENNEY MACHINERY	ALLEN CO TRACTOR
RIDING MOWER	4	\$9,590.00 \$38,360.00	\$8,131.50 \$32,526.00	\$8,598.00 \$34,392.00
LEAF MULCHER	4	N/B \$0.00	\$470.00 \$1,880.00	\$115.00 \$460.00
MULCHER PLATE	4	N/B \$0.00	\$40.00 \$160.00	N/B \$0.00
MANUAL	4	\$64.35 \$257.40	INCLD \$0.00	INCLD \$0.00

SUB TOTAL:		\$38,617.40	\$34,566.00	\$34,852.00
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LESS THE FOLLOWING TRADES:

571	1	\$2,100.00 \$2,100.00	\$1,000.00 \$1,000.00	\$1,000.00 \$1,000.00
547	1	\$400.00 \$400.00	\$800.00 \$800.00	\$500.00 \$500.00

TOTAL OF TRADES:		\$2,500.00	\$1,800.00	\$1,500.00
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GRAND TOTAL:		\$36,117.40	\$32,766.00	\$33,352.00
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DELIVER TIME	30 DAYS	7-45 DAYS	90 DAYS
VALID	90 DAYS	90 DAYS	90 DAYS

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 10-10-91 @ 11:00 AM BID REFERENCE # 1574

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR 1991/1992 60 INCH RIDING ROTARY
MOWERS PER SPECIFICATIONS

AND REQUESTED BY PARK DEPT

THIS BID REQUIRES A XXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Kenney Machinery

STREET ADDRESS 8420 Zionsville Road

CITY Indianapolis PHONE # 317-872-4793

BY James S. Ramsey President
REPRESENTATIVE SIGNATURE

St. Wayne Parks and Recreation
Bid Specification

60 INCH RIDING ROTARY MOWER SPECIFICATIONS

Model Year: 1991/1992

Purchase of a single unit
Purchase of 3 or more units

\$9035.00
@ -8131.50

Toro model 30224 Groundsmaster 224

- | | | |
|-----------------------|---|------|
| 1. Chassis: | Welded formed steel. Front wheel drive with operator seated over drive wheels. Minimum of 6 inch ground clearance. | \$ 0 |
| 2. Engine: | Commercial/industrial gasoline 4 cycle engine not less than 20 HP rating. Minimum two cylinders. Liquid cooled. Geared pump pressurized lubrication. Spin on oil filter. Engine oil cooler. Electronic ignition. Electric start with battery. | \$ 0 |
| 3. Transmission: | Hydrostatic with single pedal control of forward, reverse and ground speed. Low/high range transaxle lever. 25 micron spin on filter. | \$ 0 |
| 4. Electrical System: | 12 volt system. Minimum 12 amp alternator. Maintenance free battery. Circuit breaker protection. Key operated ignition switch. | \$ 0 |
| 5. Steering: | Power Steering. Steering wheel connected to rear wheels. Zero radius traction assist in both directions. | \$ 0 |
| 6. Cooling System: | Heavy duty industrial with expansion tank. Minimum 5 qt capacity. | \$ 0 |
| 7. Air Cleaner: | Heavy duty dry type cyclopac. | \$ 0 |
| 8. Brakes: | Foot pedal operated mounted on wheel or transaxle with locking parking brake. | \$ 0 |
| 9. Instruments: | All gauge type: ammeter, oil pressure, water temperature, hour. | \$ 0 |
| 10. Controls: | Hand throttle and choke. PTO switch. Also see #'s 3, 4, 5, 8. | \$ 0 |
| 11. Warning Devices: | Low oil pressure horn or engine shutdown. | \$ 0 |

Ft. Wayne Parks and Recreation
Bid Specification

12. Fuel Tank: 8 gal minimum. \$ 0
13. Tires: 4 ply tubeless turf type tread. \$ 0
Front - 23 x 8.50 x 12 minimum.
Rear - 16 x 6.50 x 8 minimum.
14. Seat: Deluxe adjustable position \$ 0
suspension type with heavy duty
padded seat and back.

ATTACHMENTS: Grass Cutting Unit.

1. Type: Rotary front mounted rear discharge \$ 0
unit not less, than 60 inches cutting
width.
2. Construction: Deck construction of 12 gauge or \$ 0
heavier steel with reinforcement at
stress points and deck lips.
3. Drive: Cutter drive shall be PTO \$ 0
shaft driven to gearbox. Gearbox
pulley shall belt drive three blade
spindles. Belt shall be self
tensioning.
4. Spindles: Spindles shall be 1" diameter or \$ 0
greater, have cast iron housings
mounting tapered bearings and be
greasable through standard grease
fittings. Drive pulleys shall be
keyed to spindles.
5. Blades: Heat treated high lift. \$ 0
6. Carrier Frame: Heavy duty with anti-scalp devices \$ 0
or rollers. Height of cut adjust-
able from 1" to 4". Heavy duty
solid castor wheels with regreasable
bearings and rotating bushings.
7. Lift Arms: Foot pedal controlled with free \$ 0
float position.

GENERAL

1. Safety Devices: Equipment must be certified to meet \$ 0
ANSI B71.4-1984 and any other
applicable State and Federal regula-
tions.

Fr. Wayne Parks and Recreation
Bid Specification

2. Parts: Dealer's current comprehensive price list for all unit parts to be included with bid. OMISSION OF THIS LIST WILL VOID THE BID.
3. Warranty: Minimum one year parts and labor. Vendor to pick up and return to Park Department any equipment for warranty repairs at no charge to the buyer.
2 years or 1500 hours

OPTIONS

1. Trade In: Mowers:
- | | | | | |
|-----------|-----|------|-----------------------|---------|
| | 571 | 1994 | Torp Groundsmaster | \$ 1000 |
| | 541 | 1994 | Jacobsen Turf Cat 200 | \$ 800 |
| | 547 | 1986 | Jacobsen Turf Cat 200 | \$ 800 |
| | 540 | 1994 | Jacobsen Turf Cat 200 | \$ 800 |
| Alternate | 542 | 1994 | Jacobsen Turf Cat 200 | \$ 800 |
| Alternate | 544 | 1994 | Jacobsen Turf Cat 200 | \$ 800 |
2. Manuals: Complete dealer service and parts manual. \$ yes
3. Alternate 1: Price of leaf mulcher for each 60" riding mower. \$ 470.00
Mulcher plate kit each 40.00
4. Alternate 2: Price for four 60" riding mower, as specified. \$ 32,526.00
5. Alternate 3: Price for each additional 50" riding mower. \$ 8131.50
6. Alternate 3: Power broom attachment. \$ 2495.00
- Subtotal depends on options & trade... \$
- Less Trade..... \$
- TOTAL \$

FOB: Fort Wayne, In

Delivery Time must be within 90 days of bid award or purchase may be cancelled.

Delivery time ARO 7- 45 days

Bid prices valid for 90 days.



FIREMAN'S FUND INSURANCE COMPANY
THE AMERICAN INSURANCE COMPANY
NATIONAL SURETY CORPORATION
ASSOCIATED INDEMNITY CORPORATION
AMERICAN AUTOMOBILE INSURANCE COMPANY

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Kenney Machinery Corporation
as Principal, hereinafter called the Principal, and The American Insurance Company

a corporation duly organized under the laws of the State of New Jersey
as Surety, hereinafter called the Surety, are held and firmly bound unto

City of Fort Wayne, Fort Wayne, IN

as Oblige, hereinafter called the Oblige, in the sum of Five Percent of the Amount Bid-----
----- Dollars (\$-----5%-----)

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for supply of Equipment/60" riding mower

NOW, THEREFORE, if the Oblige shall accept the bid of the Principal and the Principal shall enter into a contract with the Oblige
in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with
good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished
in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the
Principal shall pay to the Oblige the difference not to exceed the penalty hereof between the amount specified in said bid and
such larger amount for which the Oblige may in good faith contract with another party to perform the work covered by said bid,
then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this

10th

day of

October

A.D. 1991

John A. Harris
(Witness)

Kenney Machinery Corporation

(Principal)

(Seal)

James E. Kenney
(Title)

The American Insurance Company

(Surety)

(Seal)

Winger J. Kraker
(Witness)

Rochelle Bristow
Rochelle Bristow

Attorney in fact

GENERAL
POWER OF
ATTORNEY

THE AMERICAN INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That THE AMERICAN INSURANCE COMPANY, a Corporation incorporated under the laws of the State of New Jersey on February 20, 1846, and redomesticated to the State of Nebraska on June 1, 1990, and having its principal office in the City of Omaha, State of Nebraska, has made, constituted and appointed, and does by these presents make, constitute and appoint MICHAEL M. BILL, EDWARD L.

MOURNIGHAN and ROCHELLE L. BRISTOW, jointly or severally

INDIANAPOLIS, IN
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, undertaking, recognizances or other written obligations in the nature thereof

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

This power of attorney is granted pursuant to Article VII, Sections 45 and 46 of By-laws of THE AMERICAN INSURANCE COMPANY now in full force and effect.

"Article VII. Appointment and Authority of Resident Secretaries, Attorneys-in-Fact and Agents to accept Legal Process and Make Appearances.

Section 45. Appointment. The Chairman of the Board of Directors, the President, any Vice-President or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice-President may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

Section 46. Authority. The authority of such Resident Assistant Secretaries, Attorneys-in-Fact and Agents shall be as prescribed in the instrument evidencing their appointment. Any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

This power of attorney is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of THE AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 31st day of July, 1984, and said Resolution has not been amended or repealed:

"RESOLVED, that the signature of any Vice-President, Assistant Secretary, and Resident Assistant Secretary of this Corporation, and the seal of this Corporation may be affixed or printed on any power of attorney, on any revocation of any power of attorney, or on any certificate relating thereto, by facsimile, and any power of attorney, any revocation of any power of attorney, or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Corporation."

IN WITNESS WHEREOF, THE AMERICAN INSURANCE COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to

be hereunto affixed this 13th day of September, 19 91.



THE AMERICAN INSURANCE COMPANY

By

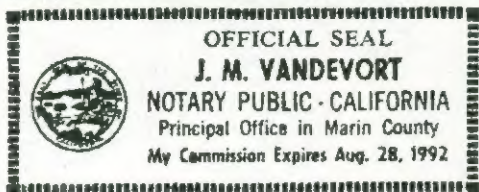
Vice-President

STATE OF CALIFORNIA
COUNTY OF MARIN

ss.

On this 13th day of September, 19 91, before me personally came R. D. Farnsworth, to me known, who, being by me duly sworn, did depose and say: that he is Vice-President of THE AMERICAN INSURANCE COMPANY, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year herein first above written.



J M Vandevort
Notary Public

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF MARIN

ss.

I, the undersigned, Resident Assistant Secretary of THE AMERICAN INSURANCE COMPANY, a NEBRASKA Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore that Article VII, Sections 45 and 46 of the By-laws of the Corporation, and the Resolution of the Board of Directors; set forth in the Power of Attorney, are now in force.

Signed and sealed at the County of Marin. Dated the 10th day of October, 19 91.



Leatha E. Anstey
Resident Assistant Secretary

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 10-4-91
 1. Governmental Unit: City of Fort Wayne
 2. County: Allen
 3. Bidder (Firm): Kenney Machinery Corp.
 Address: 8420 Zionsville Road
 City/State: Indianapolis, IN 46268
 4. Telephone Number: 317-872-4793
 5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

James S. Kenney President
 Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
	4		60" rotary mowers		33,000

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
 _____ COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Subscribed and sworn to before me this 4th day of OCTOBER, 1991
 My Commission Expires: 1-12-94
 County of Residence: MARION

Bidder (Firm)

James S. Kenney President
 Signature of Bidder or Agent

Monica Lehman
 Notary Public

MONICA LEHMAN
 Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: _____

Read the first time in full and on motion by DiGiunta
seconded by DiGiunta, and duly adopted, read the second time
title and referred to the Committee on Finance (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.
of _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 11-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by DiGiunta
seconded by DiGiunta, and duly adopted, placed on its
passage. PASSED 11-12-91 by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-274-91
on the 26th day of November, 1991.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 27th day of November, 1991
at the hour of 2:00 o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of December
1991, at the hour of 8:15 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 1574 for the purchase of 4 - 60" riding mowers with leaf mulching attached for the Park Department.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Mowers will be distributed among the mowing crews allowing them to mow in a more efficient manner.

IF REPLACEMENT, WHAT NECESSITATES: Two (2) of the old mowers will be used as trade-ins.

EFFECT OF NON-PASSAGE: Current mowers are old and worn out. Breakdowns in equipment causes frequent down time.

MONIES INVOLVED: Kenney Machinery

J-91-11-11
\$32766.00+/-

ACCOUNT INFO: Park Department

121-121-P240-4444

PRICE AGREEMENT: NO

PURCHASE ORDER: YES

SOURCE OF FUNDING: Park Department

PRIOR APPROVAL: No
(IF APPLICABLE)

DATE:

BILL NO. S-91-11-11

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GIAQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #1574 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and KENNEY MACHINERY for
the Fort Wayne Parks and Recreation Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta

Donald J. Schmidt

Bradbury

Redd

Burns

DATED:

11-26-91

Sandra E. Kennedy
City Clerk